

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION**

VINCENT NEWMAN,)
Petitioner,)
v.) No. 2:23-CV-0045 SPM
CLAY STANTON,)
Respondent.)

MEMORANDUM AND ORDER

This matter is before the Court on review of Vincent Newman's pro se filing titled "State Habeas Petition." [ECF No. 1]. The document has been construed as an application for writ of habeas corpus under 28 U.S.C. § 2254. Petitioner seeks an order from the Court "vacating or setting aside" his conviction and sentence.

The petition is defective because it has not been drafted on a Court-provided form. *See* E.D. Mo. Local Rule 2.06(A). In addition, plaintiff has neither paid the filing fee nor submitted a motion to proceed without prepaying fees or costs. *See* 28 U.S.C. § 1915(a). The Court will direct the Clerk of Court to send petitioner the Court's forms "Petition under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody" and "Motion to Proceed in Forma Pauperis and Affidavit in Support – Habeas Cases."

Accordingly,

IT IS HEREBY ORDERED that the Clerk of Court is directed to mail to petitioner a copy of the Court's forms "Petition under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody" and "Motion to Proceed in Forma Pauperis and Affidavit in Support – Habeas Cases."

IT IS FURTHER ORDERED that petitioner shall file an amended petition on the Court-provided form within **thirty (30) days** of the date of this Order. Petitioner is advised that his amended petition will take the place of his original petition and will be the only pleading that this Court will review.

IT IS FURTHER ORDERED that petitioner shall either pay the \$5 filing fee or submit the "Motion to Proceed in Forma Pauperis and Affidavit in Support – Habeas Cases" within **thirty (30) days** of the date of this Order.

IT IS FURTHER ORDERED that if petitioner fails to comply with this Order, the Court will dismiss this action without prejudice.



SHIRLEY PADMORE MENSAH
UNITED STATES MAGISTRATE JUDGE

Dated this 9th day of August, 2023.